



STATE OF ALABAMA

OFFICE OF THE ATTORNEY GENERAL

**LUTHER STRANGE
ATTORNEY GENERAL**

**OFFICE OF THE ATTORNEY GENERAL
CONTINUING LEGAL EDUCATION
SEMINAR**

**State Capitol Auditorium
Thursday, October 22, 2015**

AFTERNOON SESSION

2:45 PM – 3:45 PM

Prison Reform Act

Bennett Wright, Alabama Sentencing Commission
Meridith Barnes, Alabama Board of Pardons & Paroles

Meridith H. Barnes – General Counsel for Alabama Board of Pardons and Paroles (ABPP)

- Legal counsel for ABPP since 2008 (7 years): general civil litigation, trial and appellate level employment law, administrative law, contracts, leases, legal research, policy, investigations, training, and legislative affairs.
- Chair of the state's Victim Notification Implementation Task Force (since 2011)
- Service: Governor Riley's Community Notification Task Force; Chief Justice Cobb's Consolidation of Community Punishment and Supervision Task Force; and the Judicial Study Commission – Chief Justice Cobb.
- Cumberland Law School – JD (2008)
- Dean's list
- Trial Advocacy Board
 - Senior Associate Editor for the American Journal of Trial Advocacy
 - Publication: *United States v. Irizarry: Rejecting the Advance Notice Requirement under Rule 32(h) for Departures from the Federal Sentencing Guidelines Advisory Range*, 31 AM. J. TRIAL ADVOC. 209 (2007).
- University of North Carolina at Chapel Hill – BA English (2005), Dean's List

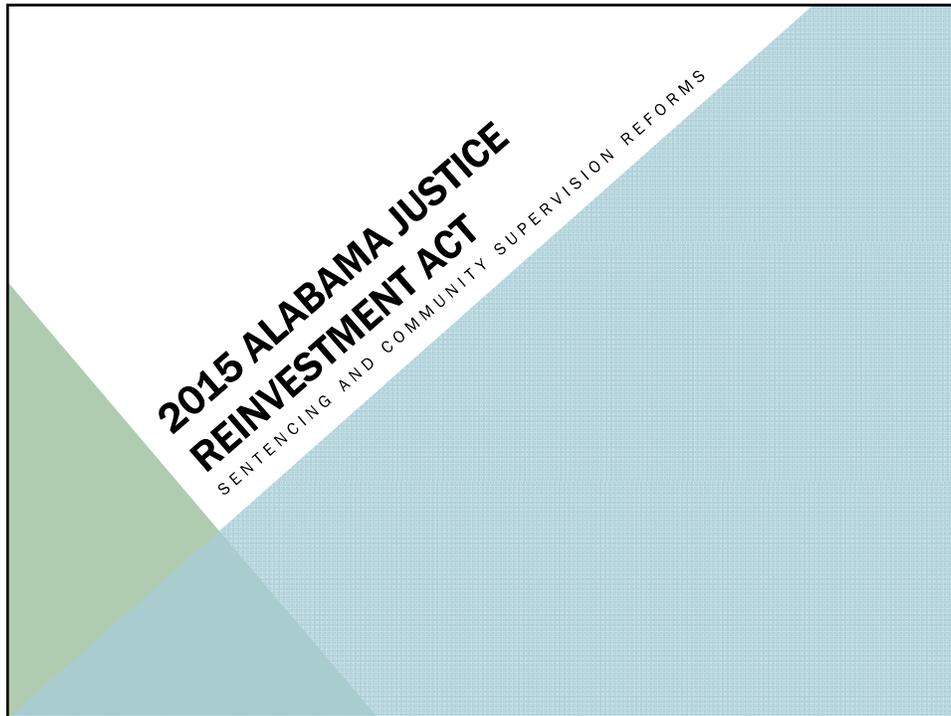
Bennet Wright serves as the Executive Director of the Alabama Sentencing Commission.

Mr. Wright is the Vice President of the National Association of Sentencing Commissions and also serves as the Commission's liaison to the Alabama Legislature and chairs the Commission's Standards Committee tasked with developing the State's sentencing guidelines.

Prior to joining the Commission, Mr. Wright worked for the federal judiciary at the United States Administrative Office of Courts in Washington, D.C. and before that taught courses including Statistics, Sociology, Criminology, and Deviance at Auburn University.

Mr. Wright received his undergraduate degree in criminology and his graduate degree in sociology.

Mr. Wright is a native of the Crow Indian Reservation in Montana.



CREATION OF CLASS D FELONY

Section 13A-5-6 (a)(4)

Sentencing Range for a Class D felony →

not more than 5 years or
less than 1 year and 1 day
and must be split in
accordance with subsection
(b) of Section 15-18-8.



SECTION 13A-5-9 HFOA AMENDED

Class D offenders are not subject to HFOA enhanced punishment

AND

Prior Class D convictions cannot be used to enhance punishment.

BUT

→ **2 or more prior Class A or B felonies with commission of Class D** punished as Class C.

→ **3 or more prior felonies with commission of Class D** punished as Class C.



CLASS D FELONY OFFENSES

- Unlawful Possession of Marihuana 1st (Class D or C)**
- Unlawful Possession of a Controlled Substance
- Theft of Property 3rd
- Theft of Services 3rd
- Receiving Stolen Property 3rd
- Theft of Lost Property 3rd
- Criminal Possession of a Forged Instrument 3rd
- Forgery 3rd
- Illegal Possession/ Fraudulent Use of Credit/Debit Card

** **Personal use (D) vs. not for personal use (C).**

THEFT THRESHOLDS AMENDED

	<u>Class D</u> →		
			\$500 - \$1,499
	<u>Class C</u> →		\$1,500 - \$2,499
	<u>Class B</u> →	\$2,500+	

SECTION 15-18-8 SPLIT SENTENCING AMENDED

No Changes to Splits for **Class A and B Felonies**

Changes for **Class C and D Felonies** →



- Class C – For sentences greater than 15 years but not greater than 20 years, only a **3 year split** is allowed.
- Class C – For sentences up to 15 years, the maximum allowable split is **2 years**
- Class D – For sentences up to 5 years, the maximum allowable split is **2 years and not eligible to be sent to prison***

* **Confinement limited to CCPs or high intensity supervision with ABPP for jurisdictions without CCPs.**

NOTE: Straight sentence allowable for C and D offenses if sentenced to probation.

CLASS D SENTENCING EXCEPTIONS ALSO ADDRESSED IN SPLIT SENTENCE ACT

If an offender is convicted of a Class D felony, AND:

- (1) has previously been convicted of 3 or more felonies, OR
- (2) has been previously been convicted of two or more Class A or Class B felonies,

“he or she must be punished for a Class C felony.”

What do these exceptions mean (not mean)?

BURGLARY 3RD DISTINCTION

Violent –

subdivision (1) or (2)
of subsection (a) of
Section 13A-7-7.



Non-Violent –

subdivision (3) of
subsection (a) of
Section 13A-7-7 “He
or she knowingly
enters or remains
unlawfully in an
unoccupied building
with the intent to
commit a crime
therein.”

Non-violent” Burglary 3rd will be subject to presumptive sentencing, while “violent” Burglary 3rd will remain subject to voluntary sentencing.

CLASS C SENTENCING

C

Class C felonies, not more than 10 years or less than 1 year and 1 day, must be split in accordance with subsection (b) of Section 15-18-8 unless sentenced pursuant to the Habitual Felony Offender Act (Section 13A-5-9).

COMMUNITY SUPERVISION REFORMS RESPONSIBLE STAKEHOLDERS:



- Office of the Governor
- Pardons and Paroles
- Department of Corrections
- Community Corrections Programs
- Courts
- Jails
- Alabama Sheriff's Association
- Association of County Commissions
- Department of Veterans Affairs
- Department of Mental Health
- Alabama Law Enforcement Agency
- Permanent Legislative Committee
- Alabama Sentencing Commission
- ADECA

MAJOR THEMES

<p>“Evidence-based practices” added. (EBP)</p>	<p>Policies, procedures, programs, and practices proven by widely accepted and published research to reliably produce reductions in recidivism.</p>
<p>“Validated Risk and Needs Assessment” modified. (VRNA)</p>	<ul style="list-style-type: none"> • Actuarial tool • Scientifically validated • Established by administrative rule • To determine likelihood of an offender engaging in future criminal behavior • Shall include – offender’s prior criminal history, nature and severity of the present offense, potential for future violence. • ABPP and ADOC mandated to adopt compatible VRNA tools to assess offenders within jurisdiction of state.



PROBATION REFORMS

- No waiver of probation.
- Presentence investigation to incorporate VRNA.
- Supervision reporting requirements based on measured risk of reoffense by VRNA.
- EBP to be used.
- Mandatory terms/conditions.
- Administrative Authority of Probation Officers – “Quick Dips.”
- 45 day periods of confinement – “Dunks.”
- ABPP and Alabama Sentencing Commission responsible for defining/ establishing definition of “high intensity probation” **BEFORE effective date of Act.**

Within 90 days of the effective date of the JRI Act:
 ADOC to develop and implement a streamlined process to transport and receive parolees/probationers in cooperation with the Alabama Sheriff’s Association and the Association of County Commissions of Alabama.



CERTAIN CONDITIONS MANDATORY

- Probationer to submit to **behavioral treatment, substance abuse treatment, GPS monitoring**, other treatment deemed necessary by court or probation officer, as well as to “periods of confinement” (or “**quick dips**”). See § 15-22-54.
- Quick dips or dips imposed by probation officer **limited to not more than 6 days per month, 2-3 day periods at a time, not to exceed 18 days total.**



Note: The **court's authority to directly impose quick dips for a probationer or other sanctions or to revoke probation not limited** (statutory limits apply to administrative authority of the PO only).

Note: **jail must consent** to receive probationer for dip imposed by PO.

“DUNKS”

For all cases, **excluding violent Class A's and sex offenses, and violation charges dealing with an arrest or a new conviction or absconding, the court may impose a 45 day period of confinement (“dunk”).**

- Confinement is **immediate.**
- After completion, probationer automatically continues under supervision.
- **The court SHALL NOT revoke probation unless previously received 3 dunks.***
- **Only 3 dunks* max.**
*Judicial notice!



Note:

- The dunk cannot be reduced by credit for time served, but the dunk confinement will be credited to the balance of the incarceration term.
- Dunk confinement cannot exceed the term of the original sentence.
- Sheriff may refuse to admit probation violator on a dunk – **certain conditions.**

“DIPS”

- In lieu of dunks/full revocation process, the **supervising probation officer** may directly impose a short period of confinement (“dip,” “quick dip,” or “sanction”) with their supervisor’s approval and without court action.
- **A dip is limited to no more than 6 days per month for 2-3 day periods at a time. The total imposed by the probation officer shall not exceed 18 days.** See 15-22-29.
- Probationer must receive a **violation report putting forth alleged violations with notice of:**
 - **Right to seek court review,**
 - **Right to a hearing before a neutral and detached court,**
 - **Right to present evidence,**
 - **Right to retain counsel/have appointed if indigent, and Right to confront/cross examine adverse witnesses.**
- Probationer **may request a hearing** before court OR **waive rights (sign a waiver), also signed by the supervising officer and supervisor, resulting in no right of review.**



NOTE: Identical “dips” and “dunks” reforms apply in the parole context!

Only differences = Board imposes dunks (not court), and notice of rights to probationer includes right to appointment of counsel if indigent.

AUTHORITY OF PROBATION COURT (§15-22-54)

- Probation may not be waived.
- At least **every 2 years** with notice to the DA, the court shall review the probationer’s suitability for discharge from supervision if financial obligations satisfied.
- ABPP issues authorization of arrest, may arrest probation violators, and reports violations to the court. Probation violation hearing to be held **within 20 business days from arrest** or probationer released by sheriff (unless pending criminal charges).
Note: court retains authority to issue a bond to probationer.
- **For Class D revocations, the incarceration portion of a split imposed limited to 2 years or 1/3 the original suspended sentence, whichever is less.**
- **For dunks - court** responsible for getting order revoking probation within 5 business days to clerk; **clerk** responsible for ensuring ADOC receives necessary transcripts within 5 business days.
- **County jail** is responsible for holding probation violators, but **sheriff may refuse admittance with immunity**– IF violator presented with serious medical condition, admittance creates a security risk, or jail is at, near, or over capacity.



MANDATORY RELEASE – *PROSPECTIVE APPLICATION!*

Unless paroled or released to probation supervision, ADOC responsible for releasing /ABPP responsible for supervising “mandatory releasees”

- **Sentenced to 5 years or less** = release to ABPP supervision no less than 3 months and no more than 5 mos. prior to minimum release date.
- **More than 5 years, but less than 10** = release to ABPP supervision no less than 6 months and no more than 9 mos. prior to minimum release date.
- **10 years or more** = release to ABPP supervision no less than 12 months and no more than 24 mos. prior to minimum release date.



NOTE → N/A to sex offenses involving a child.

NOTE → Supervision must be to “intensive program” under ABPP.

COMMUNITY CORRECTIONS ACT CHANGES

- **Additional excluded offenders** = Burglary I, Manslaughter, Sex Offenses involving a child.
- **CCPs** may serve offenders from any county. **ADOC** to ID and publish alternatives.
- **Responsibilities to state-funded CCPs and ADOC increased:**
 - **CCPs** to use EBP and VRNA; results of VRNA and EBP to guide supervision level and responses, improve conduct/ circumstances, and reduce recidivism.
 - **ADOC** to require CCPs to incorporate uniform statewide EBP, provide supervision and EBP training to CCPs, require CCPs to provide treatment/supervision based on risk of re-offense measured by VRNA, require CCPs to prioritize resources to highest risk offenders, and utilize available services for veterans and servicemen, collaborating with the Dept. of Veterans Affairs.

FUNDING CHANGES UNDER CCA FOR CCPS

- Performance-based reimbursement funding plan based on use of EBP to meet specified treatment and supervision targets.
- Higher reimbursement rates for CCPs for including behavioral health assessment and treatment referral (for both CCP participants and ABPP probationers/parolees).
- Substantial compliance with CCA requirements required.
- CCPs will undergo substantive evaluation for program effectiveness through Office of Governor.
- Continued funds dependent on recidivism reduction or maintenance/operation in accordance with EBP.
- Funding may be suspended with approval from ADOC Commissioner and Governor.



APPLICABILITY AND EFFECTIVE DATE

APPLICATION

Substantive provisions of criminal offenses*
PROSPECTIVELY;
provisions dealing with terms of supervision by ABPP apply to persons under supervision on effective date and thereafter.

EFFECTIVE DATE

January 30, 2016;
 however, only effective IF **Director of Finance** certifies specific funding to implement provisions of this Act has been appropriated to **ABPP and ADOC**.

***NOTE: commission date of offense matters.**

2015 ALABAMA JUSTICE REINVESTMENT ACT SUMMARY, EXCLUDING VICTIM NOTIFICATION REQUIREMENTS (SEE SEPARATE CHART)

SENTENCING	Definitions (12-25-32)	“Evidence-based practices” added.	Policies, procedures, programs, and practices proven by widely accepted and published research to reliably produce reductions in recidivism.	
		“Validated Risk and Needs Assessment” modified.	<ul style="list-style-type: none"> • Actuarial tool • Scientifically validated • Established by administrative rule • To determine likelihood of an offender engaging in future criminal behavior • Shall include – offender’s prior criminal history, nature and severity of the present offense, and potential for future violence. 	ABPP and ADOC shall adopt compatible tools to conduct a VRNA upon offenders within jurisdiction of state.
		“Violent offense” modified.	<ul style="list-style-type: none"> • Burglary III limited to dwelling/occupied building <i>Note: Burglary III of an unoccupied building would be non-violent and triggers presumptive sentencing guidelines.</i> • Domestic violence III and DV by strangulation/suffocation added • Human trafficking I and II added • Hindering prosecution I added 	
	Responsibilities of Sentencing Commission (12-25-33)	Annual Report.	Requirement added to include number of incarcerated only serving non-violent sentences, but who also have violent offense in criminal history.	Sentencing Commission responsible; ADOC shall provide necessary information.
			Requirement added to conduct research necessary to determine sentencing guideline point values for Class D felonies (in/out and length).	Sentencing Commission responsible, specifically Standards Committee.
	Felonies (13A-5-3 and 13A-5-6)	Class D felony created.	Class D felony sentencing range is not more than 5 years or less than 1 year and a day AND must be a split (per 15-18-8(b)). <i>Note: Class Cs must be split or sentenced per 13A-5-9 (HFOA).</i>	
		Class C felony modified.	Class C felony sentencing range limited to split (15-18-8(b)), unless pursuant to HFOA (13A-5-9).	
	HFOA (13A-5-9)	Limited in application to Class A, B, C felonies with exceptions (Class Ds excluded except) →	<ul style="list-style-type: none"> ➔ Exception = 2 or more prior Class A or B felonies with commission of Class D is punished as Class C. ➔ Exception = 3 or more prior felonies with commission of Class D is punished as Class C. 	
	Fines (13A-5-11)	Class D fines established	Limited to not more than \$7,500	
	Modification of existing offenses (13A-5-13, 13A-7-7, 13A-8-4, 13A-8-5, 13A-8-8, 13A-8-9, 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3, 13A-9-4, 13A-9-7, 13A-9-	Hate crime, Burglary III, TOP II, TOP IV, Theft of Lost Property II, TOLP IV, Theft of Services II, TOS IV, Receiving Stolen Property II,	<ul style="list-style-type: none"> • Class D hate crime – not less than 18 months. • Burglary III – limited to dwelling, occupied building, unoccupied building. • TOP II – threshold raised to \$1,500 to \$2,500; removed credit/debit card = Class C felony. 	

	14, 13A-12-212, 13A-12-213)	RSP IV, Forgery II, Forgery IV, Poss. of a Forged Instrument IV, Poss. of a credit/debit card, UPOCS, POM I.	<ul style="list-style-type: none"> • TOP IV created, \$500 threshold = Class A misd. • Theft of Lost Property –threshold raised to \$1,500 to \$2,500 = Class C felony. • Theft of Services II – threshold raised to \$1,500 to \$2,500 = Class C felony. • Theft of Services IV- \$500 threshold = Class A misd. • Receiving Stolen Prop. II – threshold raised to \$1,500 to \$2,500 = Class C felony. • Receiving Stolen Prop. IV - \$500 threshold = Class A misd. • Forgery II – deletes “assignment or check, draft, note or other commercial instrument.” • Forgery IV = Class A misd. • Poss. of a Forged Instrument IV = Class A misd. • Poss. of credit/debit card = Class D felony • UPOCS = Class D felony. • POM I = 13A-12-213(a)(1) (NOT for personal use) = Class C felony; 13A-12-213(a)(2) (personal use) = Class D felony. 	
	New Offenses (Sections 6 and 7)	Creates 13A-8-4.1; 13A-8-8.1; 13A-8-18.1; 13A-9-3.1; 13A-9-6.1	<ul style="list-style-type: none"> • TOP III = Class D felony (\$500 - \$1,499 threshold, includes theft of credit/debit card). • Theft of Lost Property II = Class D felony (\$500 - \$1,499 threshold). • Receiving Stolen Property III = Class D felony (\$500 - \$1,499 threshold). • Forgery III = Class D. • Criminal Possession of a Forged Instrument III = Class D. • Theft of Services III = Class D (\$500 - \$1,499 threshold). 	
	Driver’s License (13A-12-291)	Suspension of DL limited →	<p>Limitations =</p> <ul style="list-style-type: none"> • Trafficking or criminal solicitation, attempt, or criminal conspiracy to traffic (13A-12-231). • Unlawful possession with intent to distribute, criminal solicitation, attempt, criminal conspiracy (13A-12-211(c)(d)). <p>Note: Suspension for DUI per 32-5A-191 shall be governed by that section.</p>	ALEA suspends license.
	Indigent Defense (15-12-21)	Includes Class D felonies for appointment of counsel.	Creates 90 day payment requirement for indigent defense fees with interest chargeable at 6% rate thereafter.	Court shall appoint counsel, receives, reviews, and approves bill; Comptroller shall pay fees.
	Split Sentence Act (15-18-8)	Modification. <i>Note: Class A</i>	(a) For 20 year or less sentences, court MAY order:	Responsible stakeholders = Court, ADOC,

		<i>and B stays same.</i>	<p>(1) for a Class A or B felony, not more than 15 years = confinement not exceeding 3 years; remainder of sentence suspended/defendant placed on probation.</p> <p>(2) for a Class A, B, or C felony, sentence greater than 15 years, but not more than 20 = confinement for a period of 3 to 5 years for CLASS A and B, and 3 years for CLASS C; remainder of sentence suspended/defendant placed on probation.</p> <p>(b) UNLESS a defendant is sentenced to probation, drug court, or pretrial diversion on a Class C or D felony with a sentence of not more than 15 years, the court SHALL order = confinement (including CCP) not exceeding 2 years; remainder of sentence suspended/defendant placed on probation not exceeding 3 years. Class D limited to “confinement” in consenting CCP, except for where no CCP exists, then court has the option of high-intensity probation in lieu of CCP.</p> <p><i>NOTE:</i></p> <ul style="list-style-type: none"> • <i>For Cs and Ds – max split is 2 years, with total sentence of 5, including confinement + probation..</i> • <i>Court retains jurisdiction during period of confinement.</i> • <i>Multiple convictions: 3 previous convictions (any felonies) = a new Class D must be punished as Class C; 2 previous Class A or B felonies = a new Class D must be punished as Class C.</i> • <i>Splits not eligible for parole or goodtime.</i> • <i>Nothing in 15-18-8 supersedes Sentencing Standards.</i> 	CCPs, ABPP; jail-type institution, treatment program/institution.
COMMUNITY SUPERVISION	Community Corrections Act - Definitions (15-18-171)	Additional “excluded felony offenders”.	Burglary I, Manslaughter, sex offenses involving a child	
	Community Corrections Act (15-18-172)	Alternatives to CCP where no CCP exists.	ADOC shall annually ID and publish CCP alternatives for counties without a CCP, including services available for veterans; list shall be published on website and provided to district/circuit courts annually.	ADOC is responsible.
	Community Corrections Act (15-18-174)	Responsibilities re: CCPs to ADOC increased→	<ul style="list-style-type: none"> • Require CCPs to incorporate uniform statewide evidence-based practices. • Provide training to CCPs regarding supervision and use of EBP. • Require CCPs to provide treatment/supervision based on risk of re-offense as measured by validated risk and needs assessment. • Require CCPs to prioritize resources to highest risk offenders. • Utilize available services for veterans and servicemen, 	ADOC, CCPs, Department of Veterans Affairs are responsible.

			collaborating with the Department of Veterans Affairs.	
	Community Corrections Act (15-18-176)	Community Punishment and Corrections Plan and application process/procedure requirements modified.	<ul style="list-style-type: none"> Performance-based reimbursement funding plan based on use of EBP to meet specified treatment and supervision targets. Higher reimbursement rates for CCPs including behavioral health assessment and treatment referral (for CCP participants and ABPP probationers and parolees). Guidelines established to ensure: <ul style="list-style-type: none"> (1) individualized supervision and treatment based on risk as determined by validated risk and needs assessment; (2) resources are prioritized for highest risk offenders. Plan must include services available to veterans/servicemen. 	<p>CCPs must develop community punishment and corrections plan</p> <p>ADOC develops performance-based reimbursement funding plan.</p> <p>Collaboration to implement behavioral health/substance abuse treatment required among: ADOC, ABPP, the Department of Veterans Affairs, the Department of Mental Health, and Governor's Office.</p> <p>Governor shall ensure treatment services funded by state/court-ordered money use EBP.</p>
	Community Corrections Act (15-18-180)	Use of CCP funds specified; additional community-based program options.	<ul style="list-style-type: none"> CCPs to use EBP. Supervision and treatment based on risk of reoffending as determined by validated risk and needs assessment. CCPs to use validated risk and needs assessment. Results of VRNA and EBP to guide supervision level and responses. Use of EBP to improve conduct. Circumstances and reduce recidivism. Churches and nonprofits included as community-based program options; receipt of state funds subjects them to requirements of CCA. CCPs may serve offenders from any county. 	ADOC and CCPs responsible.
	Community Corrections Act (15-18-182)	Eligibility for state funds further defined.	<ul style="list-style-type: none"> Substantial compliance with CCA requirements. CCPs will undergo substantive evaluation for program effectiveness through Office of Governor. Continued funding dependent on recidivism reduction or maintenance/operation in accordance with EBP. Funding may be suspended for non-compliance with approval from ADOC Commissioner and Governor Office. 	<p>ADOC and CCPs responsible.</p> <p>Governor responsible for collaborating for CCP program evaluation and approval of funding suspension in whole or part.</p>
	Pardons and Paroles (15-22-24)	Duties of the ABPP modified.	<ul style="list-style-type: none"> Validated risk and needs assessment to be used in determining what prisoners in jails and prisons of state may be released on 	<p>ABPP responsible.</p> <p>Office of the Governor responsible for</p>

			<p>parole.</p> <ul style="list-style-type: none"> Validated risk and needs assessment to be used in probation context where ABPP supervises probationers for the court. Board shall <u>adopt policies and procedures for docketing cases</u> for parole consideration, including: prior record, nature and severity of present offense, potential for future violence, community attitude (victim, family of victim, prosecutors, law enforcement). The Board shall adopt <u>guidelines and policies to ensure treatment programs/providers utilized by the Board implement EBP</u>; cooperation with Governor required to evaluate programs. The Board shall adopt <u>guidelines to ensure supervision and treatment is based on individual probationer/parolee risk of reoffending per VRNA, prioritizing supervision resources and treatment for highest risk</u>. Board shall coordinate with the Department of Veteran Affairs to provide services to veterans and servicemen. <u>CAP</u> → ABPP officers shall not be assigned more than 20 active high-risk probationers/ parolees. <u>Supervision and treatment requirements</u> shall include: (1) use of VRNA, (2) use of VRNA results to guide supervision level and responses consistent with EBP, (3) collateral and personal contacts based on supervision level to keep officers apprised of offender conduct, compliance with conditions, and progress, (4) case planning for each probationer and parolee based on and prioritized by risk and identified needs, (5) use of EBP to improve conduct and circumstances to reduce risk level. <u>Training requirements</u> for probation and parole officers – deadline of January 1, 2017 and thereafter within 2 years of hire date: (1) Assessment techniques, (2) Case planning, (3) Risk reduction strategies, (4) Effective communication skills, (5) Behavioral health needs, (6) Core correctional practices application—motivational interviewing, cognitive behavioral therapy, structured skill building, problem solving, reinforcement and use of authority, (7) certification of officers to become in-state trainers, (8) other EBP identified by Board. <p><i>Note: Board has no regulatory or other authority over any local confinement facility, including county jails, community corrections, or drug courts.</i></p>	<p>evaluating treatment programs and providers used by ABPP to ensure use of EBP.</p> <p>Department of Veteran Affairs must coordinate with ABPP.</p> <p>Note: funding needed to recruit and hire 100 new ABPP officers to meet caseload cap and training requirements.</p>
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	Pardons and Paroles (15-22-26)	Parole - Standard of parole release modified.	<p>Actuarially based criteria and guidelines established by Board determine fitness for parole to include:</p> <ul style="list-style-type: none"> • Risk of re-offense as determined by VRNA, • Progress by offender and ADOC to plan for reentry, • Input from victim, family of victim, prosecutors, law enforcement, • Participation in risk reduction programming in ADOC, • Institutional behavior, • Severity of present offense. <p>The Board shall articulate reasons for approval or denial based on these guidelines and provide upon written request to—prisoner, victim, ADOC, or any other interested party.</p> <p><i>Note: Neither guidelines nor articulated reasons create a right or expectation for parole; the parole decision shall be completely at discretion of the Board.</i></p> <p><i>Note: Guidelines aid in parole decision-making process and promote use of prison space for most violent/high risk offenders.</i></p> <p><i>Note: Guidelines reviewed every three years by ABPP after open comment period and posted to agency website.</i></p>	<p>ABPP responsible.</p> <p>ADOC responsible for planning for reentry of offenders considered for parole and providing risk reduction programming.</p> <p>The prisoner, victim, ADOC, or any other interested party responsible for requesting reasons for approval or denial of parole.</p>
	Pardons and Paroles (15-22-28)	Parole - Requirements on Board modified.	<p>ABPP to use VRNA to determine feasibility of releasing offenders on parole (IPOs to complete, ADOC to cooperate).</p> <p>Majority vote of Board required for parole release.</p> <p>Violent offenses as defined by 12-25-32 require a unanimous affirmative vote by Board until the prisoner has served 1/3 or 10 years of sentence, whichever is lesser.</p>	<p>ABPP responsible, including IPOs.</p> <p>ADOC responsible for cooperating and holds authority to grant temporary leave from prison/furloughs (not new).</p>
	Pardons and Paroles (15-22-29)	Parole - Certain conditions of parole mandated.	<p>Conditions to include parolee to submit to behavioral treatment, substance abuse treatment, GPS monitoring, other treatment deemed necessary by Board or parole officer, as well as to “periods of confinement” (or quick dips or dips).</p> <p>Quick dips imposed by parole officer limited to no more than 6 days per month for 2-3 day periods at a time. The total periods of confinement imposed by the parole officer shall not exceed 18 days. <i>See also 15-22-32.</i></p> <p><i>Note: Board’s authority to directly impose quick dips for a parolee or other sanctions or to revoke parole not limited.</i></p> <p><i>Note: jail must consent to receive parolee for quick dip imposed by parole officer.</i></p>	<p>ABPP responsible.</p> <p>Jail consent required.</p>
	Pardons and Paroles (15-22-31)	Parole - Parole violator law	Parole officer or Board may report parole violation to ADOC, which shall	ABPP responsible for making report of

		<p>modifications.</p>	<p>issue a warrant for retaking of parolee. ABPP authorization of arrest good for 20 days to hold parole violator in county jail or other place of detention until ADOC warrant received; after 20 days and no ADOC warrant, parolee will be released. Sheriff may refuse with immunity to admit parolee if he/she is presented with a serious medical condition, admittance creates a security risk, or the jail is near, at, or over capacity.</p>	<p>parole violation and issuing authorization of arrest and parole officers may arrest and transport parole violators.</p> <p>Any law enforcement officer may arrest parole violator with ABPP authorization of arrest.</p> <p>County jail responsible for holding parolee, but sheriff may refuse admittance under certain conditions.</p> <p>ADOC responsible for issuing warrant for parole violator, receiving parolee after warrant issued to await action of Board, and paying fees for transporting parolee from place of arrest to prison by law enforcement other than parole officer.</p>
<p>Pardons and Paroles (15-22-32)</p>	<p>Parole - Delinquent parolee modifications; creation of ABPP “dips” and “dunks” authority.</p>	<p>The Board may declare a parole violator delinquent and the Board’s hearing officers will hold a parole court within 20 business days from the date the Board receives notice from ADOC that the parolee has been returned to ADOC custody (whether in jail or prison). If a hearing is not held within 20 business days the violator is returned to parole supervision.</p> <p>Generally, the ABPP parole court determines whether sufficient evidence supports parole violation charges and may recommend to the Board revocation or reinstatement from which the Board revokes or reinstates. HOWEVER, for all cases, excluding violent Class A’s and sex offenses, and not for violation charges dealing with an arrest or new conviction or absconding, the parole court may recommend and the Board may impose a <u>45 day max period of confinement (“dunk”)</u>.</p> <ul style="list-style-type: none"> • Confinement is immediate. • After completion of the dunk, the parolee automatically continues on parole. • The parole court SHALL NOT recommend and the Board SHALL NOT revoke parole <u>unless the parolee has previously received three dunks.</u> • A parolee can receive only 3 dunks. 	<p>The Board may declare a parole violator delinquent and the Board’s hearing officers will hold a parole court within 20 business days from the date the Board receives notice from ADOC that the parolee has been returned to ADOC custody (whether in jail or prison). If a hearing is not held within 20 business days the violator is returned to parole supervision.</p> <p>Generally, the ABPP parole court determines whether sufficient evidence supports parole violation charges and may recommend to the Board revocation or reinstatement from which the Board revokes or reinstates. HOWEVER, for all cases, excluding violent Class A’s and sex offenses, and not for violation charges dealing with an arrest or new conviction or absconding, the parole court may recommend and the Board may impose a <u>45 day max period of confinement (“dunk”)</u>.</p> <ul style="list-style-type: none"> • Confinement is immediate. • After completion of the dunk, the parolee automatically continues on parole. • The parole court SHALL NOT recommend and the Board SHALL NOT revoke parole <u>unless the parolee has previously received three dunks.</u> • A parolee can receive only 3 dunks. 	<p>ABPP responsible for declaration of delinquency, operating parole court, Board’s action.</p> <p>ADOC responsible for notifying ABPP of parolees return to custody to start 20 days running.</p> <p>ABPP responsible for getting ADOC necessary documentation <u>within 5 business days of Board’s action</u> on a dunk.</p> <p><u>Within 90 days of the effective date of the JRI Act, ADOC shall develop and implement a streamlined process to transport and receive parolees in cooperation with the Alabama Sheriff’s Association and the Association of County Commissions of Alabama.</u></p>

			<p><i>Note: The dunk cannot be reduced by credit for time served, but the dunk confinement will be credited to the balance of the incarceration term.</i></p> <p><i>Note: Dunk confinement cannot exceed the term of the original sentence.</i></p> <p><i>Note: Sheriff may refuse with immunity to admit parolee on a dunk if he/she is presented with a serious medical condition, admittance creates a security risk, or the jail is near, at, or over capacity.</i></p> <p>“Dips” → in lieu of dunks/ instituting the full revocation process, the supervising parole officer may directly impose a short period of confinement (“dip” or “sanction”) with their supervisor’s approval and without Board action. <u>A dip is limited to no more than 6 days per month for 2-3 day periods at a time. The total imposed by the parole officer shall not exceed 18 days.</u> See 15-22-29. Before a dip is imposed, the parolee must receive a violation report putting forth alleged violations with notice of:</p> <ul style="list-style-type: none"> • the right to seek parole court review, • the right to a hearing before a neutral and detached parole court, • with the right to present evidence, • the right to retain counsel, and • the right to confront and cross examine adverse witnesses. <p>The parolee may request a hearing before a parole court within 10 days <u>OR waive his/her rights (sign a waiver), also signed by the supervising officer and supervisor, resulting in no right of review.</u></p>	<p>County jail responsible for holding presented parolee, but sheriff may refuse admittance under certain conditions.</p> <p>ABPP responsible for adopting guidelines and procedures to implement dips and dunks, including supervisory approval prior to exercise of administrative authority by supervising parole officer.</p>
	Pardons and Paroles (15-22-33)	Parole - Early discharge from parole.	The Board may discharge a non-violent parolee early per guidelines developed per 15-22-37 and otherwise relieve any parolee of making further reports, as well as approve a parolee to leave the state (in compliance with the Interstate Compact).	ABPP responsible.
	Pardons and Paroles (15-22-37)	Parole - Rulemaking requirements expanded.	<p>Rules and regulations required to:</p> <ol style="list-style-type: none"> (1) Establish limited supervision program, govern transfers among supervision levels, administrative supervision, and reporting requirements. (2) Develop screening, assessment, and referral policies/procedures to connect parolees with recidivism reduction services, i.e., cognitive behavioral therapy/substance abuse. (3) Establish a “matrix” of positive incentives for compliance and sanctions in response to parole violations. (4) Establish parole guidelines, maintaining Board discretion in 	ABPP responsible.

			<p>individual parole release cases. Board must reconsider cases with 20 years or less sentences at least 2 years from parole denial. Guidelines must also account for: use of a VRNA, past criminal history, program completion, institutional misconduct, factors related to likelihood of re-offense, working to allocate prison space to the most violent, high risk offenders.</p> <p>(5) Implement 15-22-24 in relation to supervision and treatment. (6) Establish process for early discharge of parolees, to include review every 2 years if all financial obligations are satisfied and no revocation.</p>	
	Pardons and Paroles (15-22-50)	Probation – Non-waiver of probation.	Defendant shall not be permitted to waive placement on probation by the sentencing court.	
	Pardons and Paroles (15-22-51)	Probation – Presentence.	Presentence incorporates use of VRNA.	ABPP responsible.
	Pardons and Paroles (15-22-52)	Probation – Certain conditions mandatory.	<p>Conditions to include probationer to submit to behavioral treatment, substance abuse treatment, GPS monitoring, other treatment deemed necessary by court or probation officer, as well as to “periods of confinement” (or quick dips).</p> <p>Quick dips imposed by probation officer limited to no more than 6 days per month for 2-3 day periods at a time. The total periods of confinement imposed by the probation officer shall not exceed 18 days. <i>See also 15-22-54.</i></p> <p><i>Note: The court’s authority to directly impose quick dips for a probationer or other sanctions or to revoke probation not limited.</i></p> <p><i>Note: jail must consent to receive probation for quick dip imposed by probation officer.</i></p>	<p>ABPP responsible.</p> <p>Jail consent required.</p>
	Pardons and Paroles (15-22-53)	Probation – Supervision.	Reporting requirements based on offenders measured risk of reoffending by VRNA. EBP shall be used. Supervision and treatment conducted pursuant to 15-22-24 and 15-22-57.	ABPP responsible.
	Pardons and Paroles (15-22-54)	Probation – Authority of the probation court.	<p>Probation may not be waived.</p> <p>At least every 2 years with notice to the DA, the court shall review the probationer’s suitability for discharge from supervision if financial obligations satisfied.</p> <p>Probation violation hearing to be held within 20 business days from arrest or probationer released by sheriff (unless pending criminal charges).</p> <p><i>Note: court retains authority to issue a bond to probationer.</i></p> <p>For Class D revocation, the incarceration portion of a split shall be limited to 2 years or 1/3 the original sentence, whichever is less.</p>	<p>Sentencing court and jail responsible.</p> <p>ABPP responsible for issuing authorization of arrest and may arrest probation violators and reporting violations to the court.</p> <p>The court is specifically responsible for getting the order revoking probation within <u>5 business days to the clerk</u> and the clerk is responsible for ensuring ADOC receives necessary transcripts <u>within 5 business</u></p>

			<p>HOWEVER, for all cases, excluding violent Class A's and sex offenses, and not for violation charges dealing with an arrest or new conviction or absconding, the court may impose a <u>45 day max period of confinement ("dunk")</u>.</p> <ul style="list-style-type: none"> • Confinement is immediate. • After completion of the dunk, the probationer automatically continues on probation. • The court SHALL NOT revoke probation <u>unless the probationer has previously received three dunks</u>. • A probationer can receive only 3 dunks. <p><i>Note: The dunk cannot be reduced by credit for time served, but the dunk confinement will be credited to the balance of the incarceration term.</i></p> <p><i>Note: Dunk confinement cannot exceed the term of the original sentence.</i></p> <p><i>Note: Sheriff may refuse with immunity to admit probationer on a dunk if he/she is presented with a serious medical condition, admittance creates a security risk, or the jail is near, at, or over capacity.</i></p> <p>"Dips" → in lieu of dunks/ instituting the full revocation process, the supervising probation officer may directly impose a short period of confinement ("dip" or "sanction") with their supervisor's approval and without court action. <u>A dip is limited to no more than 6 days per month for 2-3 day periods at a time. The total imposed by the parole officer shall not exceed 18 days. See 15-22-52.</u> Before a dip is imposed, the probationer must receive a violation report putting forth alleged violations with notice of:</p> <ul style="list-style-type: none"> • the right to seek court review, • the right to a hearing before a neutral and detached court, • with the right to present evidence, • the right to retain counsel/have counsel appointed if indigent, and • the right to confront and cross examine adverse witnesses. <p>The probationer may request a hearing before the court within 10 days OR <u>waive his/her rights (sign a waiver), also signed by the supervising officer and supervisor, resulting in no right of review.</u></p>	<p><u>days of receipt of the court's order on a dunk.</u></p> <p><u>Within 90 days of the effective date of the JRI Act, ADOC shall develop and implement a streamlined process to transport and receive probation violators in cooperation with the Alabama Sheriff's Association and the Association of County Commissions of Alabama.</u></p> <p>County jail responsible for holding probation violator, but sheriff may refuse admittance under certain conditions.</p> <p>ABPP responsible for utilizing dips and administrative authority.</p> <p>ABPP responsible for adopting guidelines and procedures to implement dips and dunks, including supervisory approval prior to exercise of administrative authority by supervising probation officer.</p>
	<p>Section 8, Creates ABPP "administrative hearing officer" role</p>	<p>Creates position and assigns certain authority.</p>	<p>The Board may appoint 3 AHO positions. 12 months before an inmate is eligible for parole, the AHO will investigate and review preparedness of inmate in consideration of</p>	<p>ABPP responsible.</p>

			factors established by ABPP guidelines. 30 days prior to parole eligibility date, AHO will interview inmate for inmate to present case to the Board. Board may adopt guidelines and policies to implement.	
	15-22-57, ABPP regulations and guidelines	For probation.	Rules and regulations required to: (1) Establish limited supervision program, govern transfers among supervision levels, administrative supervision, and reporting requirements. (2) Develop screening, assessment, and referral policies/procedures to connect probationers with recidivism reduction services, i.e., cognitive behavioral therapy/substance abuse. (3) Establish a “matrix” of positive incentives for compliance and sanctions in response to probation violations. (4) Implement 15-22-24 in relation to supervision and treatment.	ABPP responsible.
	Section 9, Mandatory Release	Unless released to probation or paroled.	<ul style="list-style-type: none"> • Sentenced to <u>5 years or less</u> = release to ABPP supervision <u>no less than 3 months and no more than 5 mos.</u> prior to minimum release date. • More than 5 years, but less than 10 = release to ABPP supervision <u>no less than 6 months and no more than 9 mos.</u> prior to minimum release date. • 10 years or more = release to ABPP supervision <u>no less than 12 months and no more than 24 mos.</u> prior to minimum release date. <p><i>NOTE: N/A to sex offenses involving a child.</i> <i>NOTE: Supervision must be to “intensive program” under ABPP.</i> <i>NOTE: Prospective application!</i></p>	ADOC responsible for releasing; ABPP responsible for supervision.
OTHER	Permanent Legislative Committee (29-2-20)	Mental Health Issue/Reentry Barriers; Restitution Collection; Capacity Issues with ADOC.	Findings reported by <u>April 20, 2016</u> . Committee shall work in conjunction with stakeholders identified in statute.	Committee responsible.
	DNA Sample (36-18-25)	Removes right to refuse from existing law.		
	Sections 10, 11, 16, Court retains jurisdiction	For purposes of enforcing court order related to uncollected court ordered fines, fees, costs, and restitution; Interest; Court ordered participation in EBP	Court may utilize faith-based or non-profit facility for counseling, education, or other rehabilitative services in addition to facilities using EBP.	

		for treatment; termination from program allows court to order confinement; and nothing precludes court from imposing split or suspending sentence.		
	Section 12, Eligibility for Aid	Temporary Assistance for Needy Families/ federal Supplemental Nutrition Assistance.	Eligible upon completion of sentence or satisfactorily serving a sentence of probation, provided individual meets all other requirements.	
	Section 13, Class D Hardship DL	Creates limited driving privilege.	Eligibility to apply upon release from ADOC; cost not to exceed production cost. Secretary of ALEA to promulgate rules.	ALEA responsible. Collaboration with ABPP required.
	Section 14, Small Business Development	Pilot Program for Small Business Development by Ex-Offenders.	Deadline of January 1, 2016 for program to train and fund small businesses by those who have recently exited ADOC with skill/interest indicating likelihood of successful implementation of business plan. EFFECTIVE = July 1, 2015 to December 31, 2020.	ADECA and ADOC responsible.
	Section 15, Release to Federal Custody	ADOC Commissioner to release state inmates with federal sentences to federal custody.	Excluding Class A's or sex offenses.	ADOC responsible.
	Section 17, Persons Under 18 Years of Age	No person under 18 years to be confined in an ADOC facility unless fully compliant with sight and sound separation requirements.	Use of solitary confinement prohibited for complying with this requirement. <i>Note: Implementation contingent on availability of funds.</i>	ADOC responsible.
	Section 18, Definition of "high intensity probation"	To be defined and established.	Fundamental terms and condition.	ABPP and Alabama Sentencing Commission responsible (collaborate).

***Application** → Substantive provisions of criminal offenses PROSPECTIVELY (commission date of offense matters); provisions dealing with terms of supervision by ABPP apply to persons under supervision on effective date and thereafter.

***Effective date** = January 30, 2016; however, only effective IF Director of Finance certifies specific funding to implement provisions of this Act has been appropriated to ABPP and ADOC.

Justice Reinvestment in Alabama's Counties

August 2015

Faced with the most crowded prison system in the nation and overwhelmed probation and parole systems, in 2014 state leaders in Alabama pursued justice reinvestment, a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. In partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance (BJA), the Council of State Governments (CSG) Justice Center identified key challenges in the state's criminal justice system, and with extensive analyses assisted policymakers in developing a framework designed to reduce prison overcrowding and strengthen community-based supervision to improve public safety.

In May 2015, Senate Bill 67 (SB 67) was passed with overwhelming bi-partisan support. The Criminal Justice Implementation and Oversight Council, established by Governor Bentley's Executive Order 8 and composed of state leaders from all three branches, will engage county leaders throughout the implementation process to help plan for development of policies and strategies to fulfill the objectives of SB 67, and to also address operational challenges and monitor the impact of policy changes on the local level. The Oversight Council will be working with criminal justice and county stakeholders to conduct trainings on SB 67 throughout the state and will offer an opportunity to local jurisdictions to participate in a pilot program tracking and measuring the local impact of intermediate sanctions.

Highlights of Senate Bill 67

Sentencing. Modifies sentencing laws to divert low-level offenders away from prison and into community corrections, and to ensure that anyone serving a term in prison receives a period of supervision upon release.

- Creates a new Class D felony category for the lowest-level property and drug offenses, and requires sentences to Community Corrections Programs (CCPs).
- Reclassifies third-degree burglary as a nonviolent offense if an individual enters an uninhabited, non-domicile building and no person is encountered while the crime is being committed.
- Requires people convicted of a Class C offense to serve split sentences when sentenced to prison, which set a fixed term of incarceration without good time and guarantees a period of supervision upon release.
- Mandates that people serving a straight sentence to prison receive a period of supervision upon release.

Supervision. Strengthens community-based supervision to reduce recidivism and hold offenders accountable.

- Standardizes use of risk and needs assessments to target intensive supervision resources for people who are most likely to reoffend and mandates all staff to be trained in the use of evidence-based supervision practices.
- Reinvests funds to hire additional Probation and Parole Officers (POs), increase the capacity of CCPs, and expand community-based behavioral health treatment programs that have proven to help reduce recidivism.
- Requires the Alabama Board of Pardons and Paroles (ABPP) to establish policy setting forth and clarifying use of intermediate sanctions to respond to technical violations of supervision with the appropriate level of severity, including short jail stays.

Frequently Asked Questions about the Impact of Justice Reinvestment in Alabama Counties

Sentencing

Q: Will the Class D felony classification changes result in a lot more individuals being sentenced to jail?

A: No. Those impacted by this are currently going to prison, which means they aren't eligible for jail under the presumptive sentencing guidelines, and this will not change under SB 67. Instead, it requires those convicted of a Class D felony to be sentenced to a CCP when falling in the "prison" range of the guidelines, or in the event that a CCP isn't available, intensive probation.

Q: Will individuals convicted of third-degree burglary be eligible for a jail sentence?

A: As a Class C offense, individuals convicted of the nonviolent version of third-degree burglary will be subject to the presumptive sentencing guidelines, which means the primary impact on these individuals will be that their prison sentence lengths will now have to comport with those guidelines. Historically, less than 5 percent of individuals convicted of felonies in Alabama have been sentenced to jail, and this is not expected to change with SB 67.

Supervision

Q: Will the short jail stay sanction allow a PO to send a probation or parole violator to jail over and over again?

A: No. Short jail sanctions of 2-3 days will be limited to a maximum of six days per month during three separate months for a maximum of 18 total days. POs must follow ABPP policy for determining whether a short stay is an appropriate response and must receive approval from their supervisor before imposing a short jail sanction.

Q: How will jail administrators be able to protect against probation and parole violators overwhelming bed capacity?

A: SB 67 stipulates a number of safeguards to enable jail administrators to manage capacity. Sheriffs may refuse to admit a parole or probation violator or release an individual currently in custody if he/she has a serious mental condition, if admittance will create a security risk, or if the jail is at or near capacity. Sheriffs and staff are immune from liability for exercising this discretion. Furthermore, hearings for technical violators must take place within 20 business days, and, if the hearing results in the violator receiving a prison-bound sanction, there are additional time constraints that the courts and ABPP must adhere to in providing the necessary documentation to the Alabama Department of Corrections (ADOC) in order to minimize the burden on jail space.

Q: What's happening in other states that have adopted custodial sanctions for parole and probation violators?

A: Other states that have adopted swift and sure policies have seen benefits to different areas of their criminal justice systems, such as declines in arrests, time spent in jail, and prison population. For example, an evaluation of Georgia's Probation Options Management Act, which imposes short sanctions on troublesome probationers, found that the average number of days offenders spent in jail decreased from 31 to 8 days.¹ While program models differ across states, they share the core concept of correcting behavior through swift and sure responses with the goal of reducing recidivism and keeping communities safe.

¹Source: *An Evaluation of Georgia's Probation Options Management Act*, Applied Research Services, October 2007

Q: How will individuals receiving a prison-bound sanction be transported to an ADOC facility, and who will foot the bill?

A: SB 67 stipulates that the ADOC develop and implement a streamlined process, in collaboration with the ACCA and Sheriff's Association, to transport and receive parolees/probationers into its custody efficiently and minimize administrative delays. The process must include the most cost-effective method to process sanctioned probation/parole violators for the maximum 45 day confinement period. ADOC must also reimburse counties the state mileage rate for probation or parole violators transported to or from an ADOC facility by the county.

Q: What if a county's jail does not have the space to accommodate more CCP placements?

A: CCPs are not required to include a residential component. Additional CCP slots can be created through the expansion of non-residential supervision programs. Through SB 67, ADOC will provide additional training and capacity building to help communities develop non-custodial community corrections programs that incorporate evidence-based supervision practices and referrals to treatment to hold offenders accountable and reduce recidivism.

Other

Q: How will counties benefit from the reinvestments being made through SB 67?

A: Counties will see an increase in resources provided via the ABPP and the ADOC to hire additional probation/parole officers and expand community-based behavioral health programs, and increase the capacity of CCPs. Annual reinvestments of \$14 million for each of the next five fiscal years has been proposed to fund community-based treatment and community corrections programs across the state. The hiring of additional probation and parole officers will provide expanded supervision capacity in the community and more individuals will be able to access treatment services. In addition, performance-based funding will allow the ADOC to foster the development of effective corrections programming and assist CCPs in adopting evidence-based practices that lead to improved outcomes for offenders.

Q: What is the state doing to help counties adapt to the changes and gather their input?

A: The Criminal Justice Implementation and Oversight Council established a Local Engagement and Implementation Sub-Committee, which will include representation from the ACCA, Alabama Sheriff's Association, CCP Directors, and other county representatives. The sub-committee will work with county leaders to gather input and expertise, provide training and education on SB 67, address any capacity or resource challenges as they arise, and ensure transparency and accountability throughout the implementation process.

Q: What happens if funding for SB 67 does not get included in the state budget during the special legislative session?

A: While the budget appropriation may still be undetermined at this time, a clause was included in the bill to prevent it from becoming an unfunded mandate by requiring that it only becomes effective if the Director of Finance certifies that specific funding to implement the act has been appropriated. Significant resources have been proposed by Governor Bentley and legislative leaders to overhaul the prison system to reduce overcrowding, prevent federal intervention, and improve public safety.

For more info on Alabama's Justice Reinvestment Initiative, visit www.csgjusticecenter.org/jr/al.

VICTIM NOTIFICATION: JUSTICE REINVESTMENT INITIATIVE LEGISLATION

Legislative Fixes Identified by VNS Task Force

30 days → 45 days: Address the 30 day out notice and 30 day out registration capability (a practical problem for last minute paper notice registrations)
“Post-sentence” added to clarify 15-22-36(e)(6)—registration by probation and parole officer performed at the time a PSI is completed whether pre- or post-sentence
ALEA charged by statute with developing, supporting, housing, and maintaining vns to make required automated notifications
AlabamaCAN designated as the automated notification system used by the state to make notification to crime victims
Specify ABPP records/data to be included into the public system versus the system used for law enforcement purposes by statute and limit to legitimate use where such is not currently clear
Remove the Task Force dissolution date of 12-31-15 so that a body with interest in the project will continue to have oversight and roll the Task Force into a “oversight committee” upon project completion

Expansion of Victim Notification

ABPP Notification through VNS	Post hearing notice for grants of pardons/paroles
ADOC Notification through VNS	Medical Furlough or temporary leave from prison
ADOC Notification through VNS	Community Corrections Institutional Diversions
ADOC Notification through VNS	Supervised Reentry Program (SRP)
ADOC Notification through VNS	SIR Program
ADOC Notification through VNS	(New) Mandatory Release – Section 9
Other notifications of an offender’s change in status/custody or criminal justice proceedings	As “deemed to be in the best interest of Alabama crime victims and public safety by a majority vote of the Task Force”

Other Items

- “or” → “and”
- “mode” → “modes”
- Additional TF Membership added by statute: ALEA, AOC, Circuit Judges’ Association, and the Office of Prosecution Services, and the Circuit Clerk’s Association
- 2 crime victims’ rights organization representatives → 4 crime victims’ advocates (AG appoints)
- Upon approval of Task Force that vns complies with statutory requirements, the Task Force automatically converts to an “Oversight Council”
 - Representatives may be added by majority vote
 - Appointees designated by the AG shall serve 4 year terms, limited to 2 consecutive terms
- Victim Notification System Fund created - Sect. of ALEA may expend funds at the request of the Task Force (Oversight Council after conversion) solely for development, expansion, support, and maintenance of vns